

**FILE**

NOV 20 2013

Clerk, U.S. District Court  
District Of Montana  
Missoula

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

ROBERT L. ROSE,

Petitioner,

vs.

LEROY KIRKEGARD; ATTORNEY  
GENERAL OF THE STATE OF  
MONTANA,

Respondents.

Cause No. CV 13-156-DWM-JCL

**ORDER DENYING MOTION TO  
EXPAND THE RECORD**

Petitioner Rose moves to expand the record filed by Respondents (“the State”) on October 15, 2013. The Court will proceed with prescreening on the record as it currently exists and will consider whether additional materials within or outside the state court file are relevant and may be considered. *See, e.g., Cullen v. Pinholster*, \_\_ U.S. \_\_, 131 S. Ct. 1388 (2010).

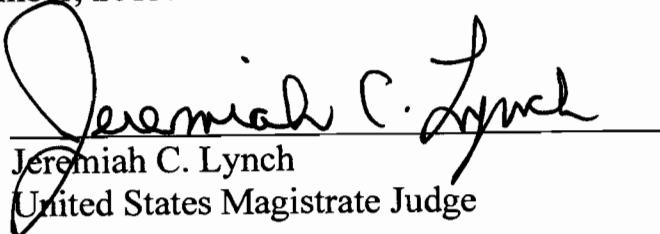
Based on the foregoing, the Court enters the following:

**ORDER**

Rose’s motion to expand the record (Doc. 11) is DENIED. Rose’s reply to the State’s Answer remains limited to **24 pages** and remains due on or before

**December 6, 2013.**

DATED this 20<sup>th</sup> day of November, 2013.

  
\_\_\_\_\_  
Jeremiah C. Lynch  
United States Magistrate Judge